



**COLORADO DIVISION OF HOUSING
HOUSING CHOICE VOUCHER
BRIEFING PACKAGE**



Division of Housing Contractor: _____

Family Name: _____

Date Provided to the Family: _____

(Revised: 2-12-2008)

BRIEFING PACKAGE RECEIPT

I (We) have read and received copies of:

1. Section 8 Housing Choice Voucher Program Briefing Packet
2. Booklet "Protect Your Family From Lead in Your Home" (attached)
3. Booklet "Are You a Victim of Housing Discrimination" and Complaint Form (included)
4. Housing Choice Voucher, # _____ (attached)
5. Tenancy Addendum (attached)
6. Request for Tenancy Approval (attached)

Signature of Head of Household

Date

Signature of Spouse

Date

Signature of household members over the age of 18

Date

- **CDOH Contractors, place this signed receipt in the Family file.**

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1. OVERVIEW OF THE SECTION 8 RENTAL ASSISTANCE PROGRAM (A.K.A THE HOUSING CHOICE VOUCHER PROGRAM)

The Housing Choice Voucher Program, also known as the Section 8 Program, is funded by the U.S. Department of Housing and Urban Development (HUD). The Section 8 Program began in 1975 as a way to assist low-income families, elderly people and persons with disabilities to rent decent, safe and affordable housing in the community of their choice. Through this program, individuals and families receive a *voucher*, also referred to as a *rental subsidy*. This voucher can be used to subsidize a portion of the rent of the housing of their choice that meets the Section 8 program requirements. These subsidies may be long-term and is considered “permanent housing”.

The Section 8 household (referred to as “the Family”) typically pays 30% of their adjusted gross income toward housing. The voucher pays for difference between the Family’s portion and the amount the unit actually costs to rent.

2. COLORADO DIVISION OF HOUSING – A STATE PUBLIC HOUSING AUTHORITY

Colorado Division of Housing (CDOH) administers the Section 8 program serves metro and non-metro areas of the State that are currently underserved by rental assistance programs. CDOH is a statewide Public Housing Authority (“PHA”) and has jurisdiction to work in all counties within the State. CDOH does this by contracting the direct services of the program to a number of local housing agencies (“HA’s”), many of which are small housing authorities, non-profits or council of governments (hereinafter called “Contractors”). The Contractors manage the waiting list for the area being served, ensure that families meet the eligibility requirements of the Program, and perform Housing Quality Standards (HQS) inspections on the rental units selected.

3. DETERMINING THE TOTAL TENANT PAYMENT AND THE SECTION 8 RENT SUBSIDY

Section 8 is comprised of 3 parties, all of whom have obligations to one another. Here’s how the 3 parties relate to one another:

- The Family pays their share of the rent (a.k.a. “total tenant payment” or “TTP”) to the Owner of the property, based on the amount listed on the lease;
- The Owner (or “property manager”) maintains the property in a manner that is decent, safe and sanitary. The total cost of the housing, including the rent charged by the owner, as well as the cost of any tenant-paid utilities must be reasonable based on the fair market rent according to the local payment standard.
- The Housing Authority(HA) provides the Section 8 rent subsidy to the Owner;

Total Tenant Payment

CDOH Contractors determine a Family’s total tenant payment (TTP) by verifying information about the Family’s income and assets, as well as medical, disability and child care deductions. The TTP is typically 30% of the family’s monthly adjusted gross income.

Payment Standard

Under the Section 8 rules, CDOH establishes the “payment standard,” for its Section 8 program. These payment standards are used to calculate the maximum amount of the Section 8 rent subsidy the CDOH will pay for units rented through the program. If CDOH increases its payment standard the amount of the rent subsidy automatically goes up, and vice versa. Conversely, if the payment standard is decreased, the amount of subsidy a Family pays will increase/

CDOH has the discretion to set the payment standard at an amount between 90% and 110% of the Fair Market Rent (“FMR”) for that area. HUD publishes the Fair Market Rent schedule annually. CDOH sets a payment standard for each county at the published FMR. Contractors can request 110% of the FMR, if they can provide housing market information that substantiates their request.

CDOH Rent Subsidy Amount

Once the TTP and the payment standard are known, the amount of the Section 8 rent subsidy can be calculated. The maximum rent subsidy is the highest amount CDOH is authorized to pay the owner. The maximum Section 8 rent subsidy is calculated by subtracting the Total Tenant Payment from the payment standard.

However, the maximum rent subsidy is not necessarily the actual rent subsidy that CDOH will pay. The actual CDOH rent subsidy will be based on the cost of the rental unit selected by the Family and this can be less than the maximum rent subsidy. CDOH will only pay the maximum rent subsidy if the Section 8 household selects a unit with housing costs that are equal or exceed the payment standard. If the cost of the rental unit is *less than* the payment standard then the CDOH rent subsidy will be less. If the cost of the rental unit is *more than* the payment standard then the Family would have to pay over 30 percent of their income as their TTP. Keep in mind that at initial lease up the Family cannot pay more than 40 percent of their adjusted monthly income toward the rent. The HA working with the Family will provide information on the payment standard and utility allowances.

Example #1 (Rent + Utilities *less than* the Payment Standard)

Rent + Utilities for a 1 BR unit	\$520
Total Tenant Payment	<u>\$187</u>
CDOH Rent Subsidy	\$333

Example #2 (Rent + Utilities *more than* the Payment Standard)

Rent + Utilities for a 1 BR unit	\$625
Maximum CDOH Rent Subsidy	<u>\$442</u>
Total Tenant Payment	\$183

Exception Payment Standard for People with Disabilities

On a case-by-case basis, HUD may approve a higher payment standard for a person with a disability as a reasonable accommodation. CDOH may approve an exception rent for a person with disabilities up to 110% of the FMR. HUD can approve an exception rent for a person with disabilities up to 120% of the FMR. A person with a disability who would require an increase in the payment standard as a reasonable accommodation should contact their Contractor.

4. VOUCHER ISSUANCE AND SEARCHING FOR A RENTAL UNIT

The following standards shall be used to determine the size Housing Voucher issued to the applicant Family at the time they begin their housing search. Families are issued a voucher that is appropriate for their Family size and needs. These standards were developed in accordance with Section 8 program regulations. The rules state that there must be at least one bedroom or living/sleeping room for each two persons in the Family.

Voucher	Minimum Persons	Maximum Persons
0 Bedroom	1	2
1 Bedroom	1	4
2 Bedroom	2	6
3 Bedroom	3	8
4 Bedroom	5	10
5 Bedroom	7	12

- Foster children shall be included in determining unit size;
- Live-in attendants shall generally be provided a separate bedroom;
- Space may be provided for a child who is away at school but who lives with the Family during school recesses;
- Units shall be assigned so that a minimum of one person shall occupy each bedroom;
- Exceptions based on age, gender, disability, or other circumstances may be considered by the local HA.
- A child is defined as a person under the age of 18 who is not the Head of Household or the Spouse.

Time Frame to Search for a Rental Unit

Once a voucher is issued, the Family must find a suitable rental unit within 60 days that meets the Section 8 program guidelines. If a Family has difficulty finding a unit (especially in a tight rental market) the voucher search time can be extended up to another 60 days which will be given in 30 day intervals. In order for an extension to be given, the Family must reasonably prove that they have been unable to locate a unit through no fault of their own. If a Family fails to find a unit within 60 days, then the voucher may be given to another applicant on the waiting list.

Owner Property Listings

Contractors shall provide attachments listing owners who are willing to rent their unit to families receiving Section 8.

Renting from Relatives

CDOH cannot approve a unit for lease under the Section 8 program if the Owner is a parent, child, grandparent, grandchild, sister or brother of any member of the Section 8 Family. The exception to this regulation is as a reasonable accommodation for a person with a disability.

Request for Tenancy Approval

Once a unit has been located, the Section 8 voucher holder provides the Owner of the rental unit a "Request for Tenancy Approval" which is attached at the back of this briefing package. The Owner or property manager working on the Owner's behalf must complete and sign the form. The household will then submit this form to the HA. The submission of this request "stops the clock" and signals the HA to:

- Start the inspection process;
- Determine whether the rent is reasonable;
- Verify the rent is acceptable given Section 8 payment standard guidelines;
- Calculate the CDOH subsidy amount

Rent Reasonableness

The HA is to ensure that the rent charged by the owner for the rental unit is reasonably priced when compared to similar unsubsidized units in the community so that property owners do not overcharge rents for Section 8 Families. The rent reasonableness test performed by the HA will take into consideration the location, size, type, quality, amenities, facilities, management, and maintenance of each rental unit. In order to perform the rent reasonableness test, the HA will gather data about other similar rental units will verify that Section 8 rents are reasonable in comparison to unassisted units.

Housing Quality Standards

Before any Section 8 assistance can be provided, the unit must be physically inspected by the HA and must pass HUD's Housing Quality Standards (HQS) inspection to ensuring that the unit is safe, decent and sanitary. A Family or an prospective Owner may request a copy of the HQS inspection form from the HA or online at <http://www.hud.gov/offices/adm/hudclips/forms/files/52580-a.pdf>

Lead-Based Paint

Effective September 15, 2001, HUD has issued a regulation to protect young children from Lead-Based Paint ("LBP") hazards in federally assisted housing. The regulation sets hazard reduction requirements designed to reduce lead in household dust. Scientific research has found that exposure to lead dust is the most common way young children contract lead poisoning.

The new regulations require that housing Contractors visually inspect all painted surfaces, both interior and exterior during the HQS inspection if:

- The unit was built before January 1, 1978, and
- The unit is occupied by children under the age of 6 or by a pregnant woman.

The Owner or property manager should provide the Family with a Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards. If the Owner does not have this form, a copy has been included at the back of this briefing package along with the booklet, *Protect Your Family From Lead In Your Home*. Contractors are available to answer questions about Lead Based Paint.

5. PORTABILITY

With Section 8 rental assistance the Family may be allowed to move within or outside the area the HA serves. Moving outside the locality in which a family received a voucher is called *portability*. However, permission to move may be given depending on several factors:

In order to port, the Family must:

- Be in good standing with the HA and cannot owe any money to the HA.

- Have lived in the jurisdiction for at least one year, or
- Prove they have lived in the jurisdiction for at least a year, prior to receiving the voucher.
- Demonstrate their family income qualifies them to port to a new jurisdiction.

To exercise portability the Family must:

- Notify the HA and the Owner that the Family intends to move. Families should review their lease to make sure that they have given the Owner proper notice and let their current HA Contractors know where they intend to move.
- The HA will then send a packet of all relevant file information to the new (receiving) HA. The sending HA will then inform the Family of the agency and contact person with whom the Family will be working.

If a family moves without checking with their HA first, they are at risk of losing their Section 8 voucher!!

6. EXPANDING HOUSING OPPORTUNITIES

By allowing Families to select a safe, decent and sanitary unit in the neighborhood of their choice, the Section 8 Program also helps decrease the concentration of low-income families in high-poverty neighborhoods. Families may decide where to live based on individual needs and personal preferences, such as proximity to employment, schools, transportation, child care, churches, shopping, parks, hospitals, and other amenities.

To decide where to live: use the following online maps to view the Denver area or other metropolitan areas within the State

For Denver: Query using neighborhood facts found on <http://piton.org/index.cfm?fuseaction=Maps.NeighborhoodData>

Balance of State: Query using Thematic Maps found on Percent of Persons below poverty by Census Tract <http://www.dola.state.co.us/dlg/demog/thematicmaps/census/PctBPLbyTract.pdf>
You may zoom in (recommend at 800%- 1,600%), to see particular census tracts.

7. FAIR HOUSING

Both State and Federal laws exist which prohibit discrimination in housing. These laws prohibit discrimination of protected classes based on: Race, Color, National Origin, Religion, Sex, Handicap and Familial Status. Attachment II of this briefing package contains information about Fair Housing and how to file a complaint. For more information on Fair Housing, please contact the Colorado Civil Rights Commission at 303-894-2997 or the Fair Housing Hotline at 1-800-896-7743.

8. HOMEOWNERSHIP

The Section 8 program currently provides the opportunity for Families to become homeowners by applying their Section 8 assistance toward a mortgage. This option is available for Families in good

standing with the Program who have been participants for at least one year. Interested Families may request additional information about the homeownership option from their Contractor. Families must work closely with their Contractor to ensure they are prepared for the responsibility of homeownership.

The Family has certain requirements and responsibilities, such as finding a lender that will qualify them for a home loan, providing \$1,000 toward the purchase of their home, finding a suitable home to purchase, and participating in a first time home buyer class. For additional information about the Section 8 Homeownership Program, the Guidebook is available at <https://dola.colorado.gov/cdh/section8/documents/HomeownershipGuidebook.pdf>.

9. FAMILY OBLIGATIONS

When a Family's unit is approved and the HAP contract is executed, the Family must follow the rules listed below in order to continue participating in the Section 8 Program. The Family must:

- Supply any information that the HA, CDOH or HUD requires to determine eligibility based on citizenship or eligible immigration status, and information on income and Family composition.
- Sign and submit consent forms to verify information on citizenship or eligible immigration status, income and Family composition.
- Report any changes of income or Family composition within 10 days.
- Supply any information requested by the HA to verify the Family is indeed living in the unit.
- Promptly notify the HA in writing when the Family is away from the unit for an extended period of time.
- Allow the HA to inspect the unit at reasonable times upon reasonable notice.
- Notify the HA and the Owner of the unit in writing, before moving or terminating the lease.
- Use the unit only as the Family's primary residence.
- Give the HA a copy of any Owner eviction notice.
- Pay utility bills and provide and maintain any appliances that the owner is not required to supply under the lease.
- Provide accurate and complete information to the HA.

The Family (including each member) must not:

- Own or have any interest in the unit (other than in a cooperative, or as the owner of a manufactured home on a leased space).

- Commit any serious or repeated violation of the lease.
- Commit fraud, bribery or any other corrupt or criminal act in connection with the program.
- Engage in drug-related criminal activity or violent criminal activity or any other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
- Sublease the unit, assign the lease, or transfer the unit.
- Receive Section 8 while receiving another housing subsidy, for the same or a different unit, under any other Federal, State or local housing assistance program.
- Damage the unit or premises or permit any guest to damage the unit or premises.
- Receive Section 8 while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the Family, unless the HA has determined (and has notified the owner and the Family of such determination) that this arrangement provides a reasonable accommodation for a person who is disabled.
- Engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises.

Any violation of these rules may result in the termination of Section 8 assistance.

10. OWNER OBLIGATIONS TO THE FAMILY

- The Owner must supply a safe, decent, and sanitary home. This home must pass the annual HQS inspection.
- The Owner must not enter into any separate monetary agreements with the Family.
- The Owner must agree to the Section 8 lease addendum provisions.

The following provisions are prohibited in the lease:

- Confession of Judgment. Agreement by the tenant to be sued, to admit guilt or to a judgment in favor of the Owner in a lawsuit brought in connection with the lease.
- Treatment of Personal Property. Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant, and a court decision on the rights of the parties. This prohibition, however, does not apply to an agreement by the tenant concerning dispersion of personal property left in the contract unit after the tenant has moved out. The owner may dispose of this personal property in accordance with State and local law.

- **Excusing Owner from Responsibility.** Agreement entered into by the tenant with the Owner that would not hold the Owner or Owner's agents legally responsible for any actions or failure to act, whether intentional or negligent.
- **Waiver of Legal Notice.** Agreement entered into by the tenant and the Owner in which the Owner may institute a lawsuit against the tenant without notice to the tenant.
- **Waiver of Legal Proceedings.** Agreement by the tenant that the Owner may evict the tenant or household members (1) without instituting a civil court proceeding in which the Family has the opportunity to present a defense, or (2) before a decision by the court on the rights of the parties.
- **Waiver of Jury Trial.** Agreement by the tenant to waive any right to a trial by jury.
- **Agreement by the tenant to waive any right to appeal, or to otherwise challenge in court, a court decision in connection with the lease.**
- **Agreement by the tenant to pay the owner's attorney fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant. However, the tenant may be obligated to pay costs if the tenant loses.**

11. INFORMAL HEARING PROCEDURES

The Contractor will give a participant the right to an Informal Hearing prior to termination or change in the participant's portion of the rent or Voucher subsidy size, under the following:

- A determination of the family's gross and adjusted income, TTP, or utility allowance;
- A determination to reduce, terminate, or deny assistance;
- A determination of the subsidy size allocated on the Housing Voucher;
- A determination of citizenship or eligible immigration status cannot be verified;

Informal Hearing Procedures

- a. For any decision related to the situations described above, the agency will notify the family of the Contractor's decision, the family's right to an explanation, and their right to request a hearing, in writing, within 10 business days of the notice.
- b. In the case of a family whose assistance is being terminated, and the family is currently living in a unit with a HAP Contract, the agency will provide an opportunity for an Informal Hearing before the actual termination of the HAP contract. A copy of the letter will be mailed to the Landlord to notify them of the situation, and the possible termination of the HAP contract.
- c. The Contractor will schedule the hearing within 10 business days from the receipt of the family's written request for a hearing.

- d. The Executive Director will select the Hearing Officer. The Hearing Officer must be someone other than the person who made the original decision or a subordinate of that person. The PHA staff can be available by telephone conference call to be the Hearing Officer.
- a. The procedure for requesting and conducting a hearing will be provided to each family during the Housing Voucher briefing.
- b. If a program violation occurs, the Contractor will make a reasonable attempt to contact the family to inform them of their right to an Informal Hearing or the time of the scheduled hearing. Sending a certified letter is the standard means of notification. A receipt of delivery should be requested from the US Post Office. The contractor is only responsible to document that s/he sent a notice, but not that the family receives this notice. By failing to schedule or appear at the informal hearing, the family waives their right to subsequent hearings unless the contractor chooses to re-schedule.

ATTACHMENTS

- I. BOOKLET "PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME"
- II. BOOKLET "ARE YOU A VICTIM OF HOUSING DISCRIMINATION" AND COMPLAINT FORM
- III. HOUSING CHOICE VOUCHER
- IV. TENANCY ADDENDUM
- V. REQUEST FOR TENANCY APPROVAL
- VI. LISTING OF OWNERS OF OTHERS WHO MAY BE WILLING TO LEASE A UNIT
(Section 8 Contractor must prepare a listing of units available to Section 8 families within their community. The contractor may contact CDOH for help in compiling this list).
- VII. METRO CONTRACTORS ATTACH MAP SHOWING HIGH AREAS OF POVERTY CONCENTRATION.